

**US ARMY CORPS  
OF ENGINEERS  
St. Louis District  
Gateway to Excellence**

# Public Notice

Reply To:  
U.S. Army Corps of Engineers  
Attn: CEMVS-OD-F  
1222 Spruce Street  
St. Louis, MO 63103-2833

Public Notice No.

**P-2646**

Public Notice Date

**August 14, 2007**

Expiration Date

**September 3, 2007**

**Postmaster Please Post Conspicuously Until:**

Interested parties are hereby notified that an application has been received for a Department of the Army permit to continue dredging gravel and sand for commercial purposes (dredged material will be transported by barge, unloaded and stored on uplands) from waters of the United States, as described below and shown on the attached map.

**COMMENTS AND ADDITIONAL INFORMATION:** Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
ATTN: CEMVS-OD-F (Charles Frerker)  
1222 Spruce Street  
St. Louis, Missouri 63103-2833

**APPLICANT:** Wayne B. Smith Incorporated, c/o: Jerry W. Smith, Post Office Box 474, Highway 79 South, Louisiana, Missouri 63353. (573)754-5361

**LOCATION:** Commercial dredging activities are proposed to continue along the left (Illinois) descending bank of the Mississippi River, between river miles 280.9 to 282.1 and along the right (Missouri) descending bank between river mile 281.25 to 281.75 (See Attached Location Map).

**PROJECT DESCRIPTION:** The applicant requests permit authorization to dredge up to 125,000 tons of sand and gravel, on a yearly basis, near the left (Illinois) descending bank of the Mississippi River, between river miles 280.9 to 282.1 and along the right (Missouri) descending bank, between river mile 281.25 to 281.75. The applicant was previously permitted to conduct commercial dredging of up to 75,000 tons of sand and gravel from the same river reaches since 1973 (previous permit numbers P-1024, P-1174, P-1831 and P-2325). The applicant requests an increase in total annual tonnage to provide for future expansion and growth of the facility and the surrounding community. The ongoing operation is performed by suction dredging and will remain the same. Dredged material will be loaded into barges, with excess water discharged back into the river at the dredging location. Filled hopper barges will be transported to the existing offloading facility along the right descending bank, at approximate Mississippi River mile 281.6, where a crane will unload the material into a conveyor system for stockpiling. A mussel survey associated with the issuance of P-1831 determined the existing limits of dredging that has and will potentially continue to occur along the right (Missouri) descending bank between river mile 281.25 to 281.75, for continued avoidance of impacts to existing mussel colonies. Standard dredging conditions created by coordinated efforts with other Federal and state resource agencies shall be applied to the potentially re-authorized action to further minimize impacts to aquatic life, navigation and natural/manmade river features. The permit, if issued, shall authorize commercial dredging to continue to occur with a permit expiration date of December 31, 2012.

**ADDITIONAL INFORMATION:** Additional information may be obtained by contacting Charles Frerker, Rivers Project Manager, U.S. Army Corps of Engineers at (314) 331-8583 or at electronic mail address: [charles.f.frerker@mvs02.usace.army.mil](mailto:charles.f.frerker@mvs02.usace.army.mil)

**AUTHORITY:** This permit will be processed under the provisions of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

**WATER QUALITY CERTIFICATION:** By issuance of this public notice, the project plans are considered submitted to the Missouri Department of Natural Resources, Water Pollution Control Program for state certification of the proposed activity in accordance with Section 401 of the Clean Water Act. Written comments concerning possible impacts to waters of Missouri should be addressed to: Water Pollution Control Program, P.O. Box 176, Jefferson City, Missouri 65102-0176, with copy provided to the Corps of Engineers.

This public notice also provides documentation to the Illinois Environmental Protection Agency (IEPA) for water quality certification, or waiver thereof, for the proposed activity in accordance with Section 401 of the Clean Water Act. Certification or waiver indicates that IEPA believes the activity will not violate applicable water quality standards. The review by the IEPA is conducted in accordance with the Illinois water quality standards under 35 Illinois Administrative Code Subtitle C. The water quality standards provide for the IEPA to review individual projects by providing an antidegradation assessment, which includes an evaluation of alternatives to any proposed increase in pollutant loading that may result from this activity. The "Fact Sheet" containing the antidegradation assessment for this proposed project may be found on the IEPA's web site, at [www.epa.state.il.us/public-notices/](http://www.epa.state.il.us/public-notices/). In the event that the IEPA is unable to publish the "Fact Sheet" corresponding to the timeframe of this Joint Public Notice, a separate public notice and "Fact Sheet" will be published by the IEPA at the web site identified above. You may also obtain a copy of the "Fact Sheet" by contacting the IEPA at the address or telephone number shown below.

Written comments specifically concerning possible impacts to water quality should be addressed to:

Illinois Environmental Protection Agency  
Bureau of Water  
Watershed Management Section  
1021 N. Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

A copy of all written comments should also be provided to the Corps of Engineers. If you have any questions please contact the IEPA at (217) 782-3362.

**SECTION 404 (b)(1) EVALUATION:** The impact of the activity on the public interest will be evaluated in accordance with the Missouri Department of Natural Resources, Water Pollution Control Program guidelines and the Illinois Environmental Protection Agency's guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

**IMPACTS TO WATERS OF ILLINOIS:** By issuance of this public notice, the project plans are considered submitted to the Illinois Department of Natural Resources, Office of Water Resources for state approval of the proposed work in accordance with "an Act in relation to the regulation of the rivers, lakes and streams of the State of Illinois" (Ill. Rev. Stat.; Chap. 19, par 52 et seq.). Written comments concerning possible impacts to waters of Illinois should be addressed to Mr. Robert Dalton, Illinois Department of Natural Resources, Office of Water Resources, 3215 Executive Park Drive, Post Office Box 19484, Springfield, Illinois, 62794-9484, with copy provided to the Corps of Engineers.

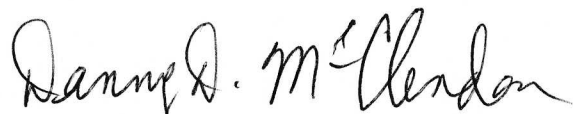
**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Request for public hearings shall state, with particularity, the reasons for holding the public hearing.

**ENDANGERED SPECIES:** The proposed project is within the range of the Federally endangered Higgin's Eye Pearly Mussel (*Lampsilis higginsii*) and the Fat Pocketbook (*Potamilus capax*). The review process associated with issuance of P-1831 required a mussel survey to determine the limits of dredging along the right descending bank of the Mississippi River to avoid impacts to mussel beds. Dredging has and would continue to occur only within the limits of the area that the US Fish and Wildlife Service previously determined acceptable. In addition, standard dredging conditions created by coordinated efforts with other Federal and state resource agencies would be applied to further avoid impacts to these species. In order to further complete our evaluation, written comments are hereby solicited from the U.S. Fish and Wildlife Service and other interested parties to ascertain any potential impacts upon these listed species, any others species or their critical habitats.

**CULTURAL RESOURCES:** The St. Louis District will evaluate information provided by the State Historic Preservation Officer and the public in response to this public notice and we may conduct, or require a reconnaissance survey of the project area.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion, and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of these proposed activities. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.



Danny D. McClendon  
Chief, Regulatory Branch

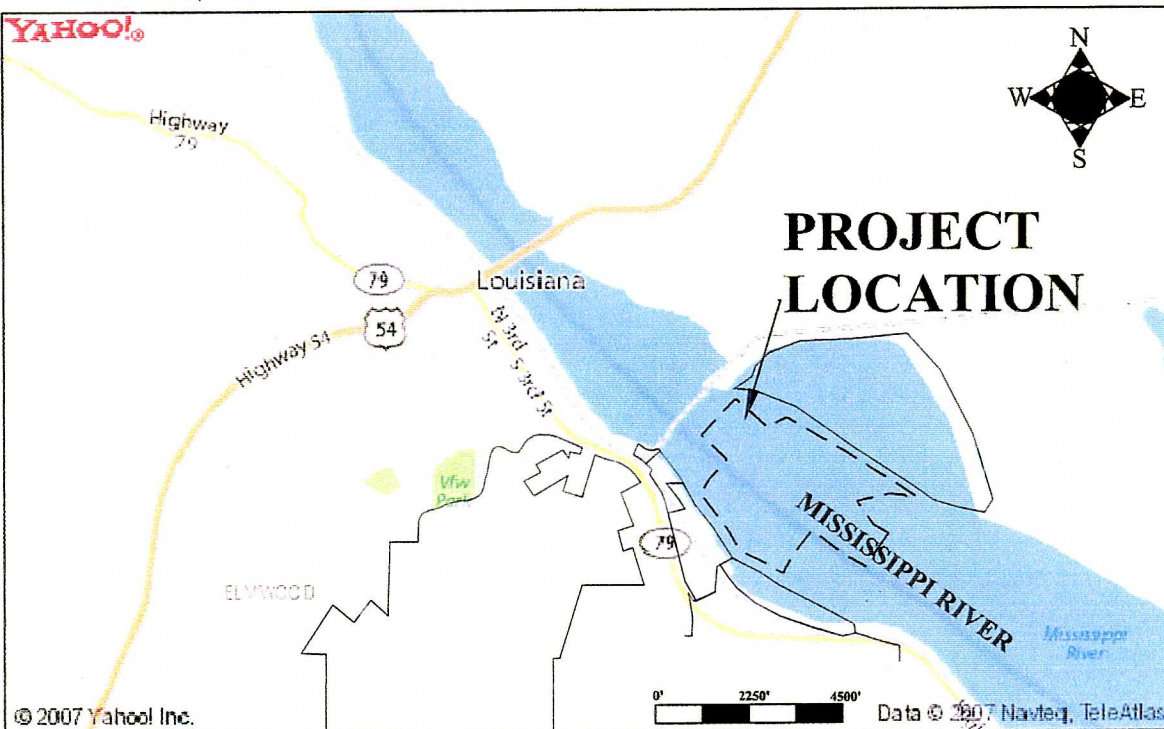
Attachments

**NOTICE TO POSTMASTERS:**

It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.



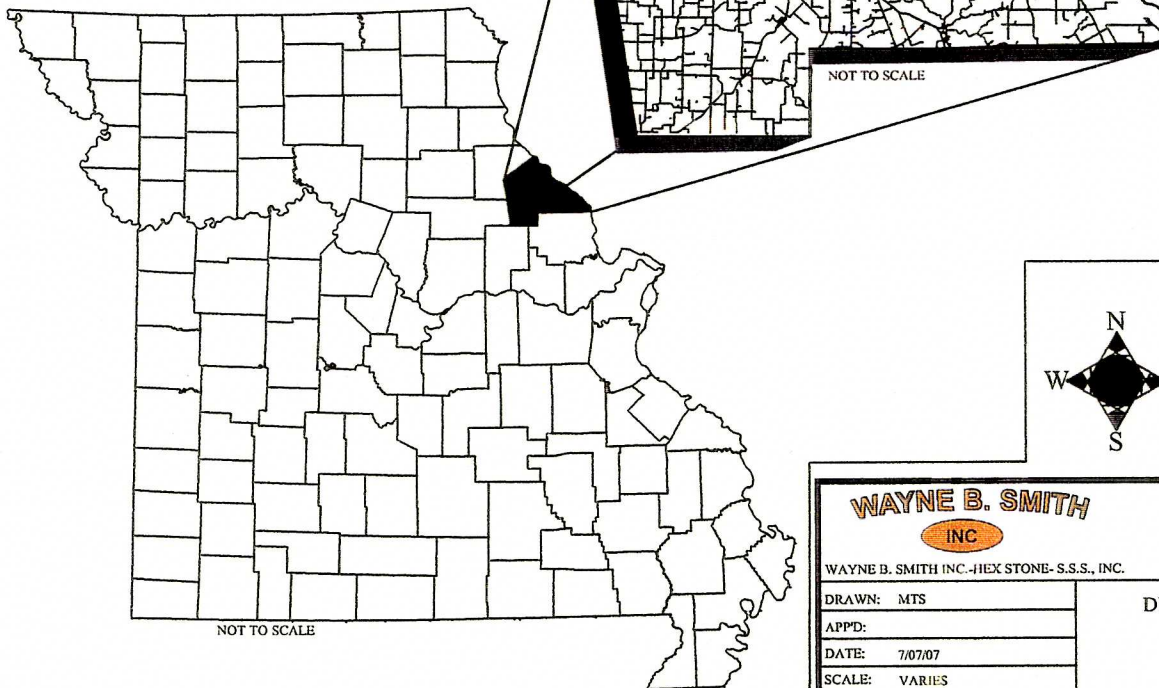
# LOUISIANA, MO



## PIKE COUNTY

### INSET AREA LOUISIANA, MO

## STATE OF MISSOURI



#### LEGEND

- DREDGING BOUNDARY LIMITS
- PROPERTY BOUNDARIES

### WAYNE B. SMITH INC

WAYNE B. SMITH INC.-HEX STONE- S.S.S., INC.

DRAWN: MTS

APPD:

DATE: 7/07/07

SCALE: VARIES

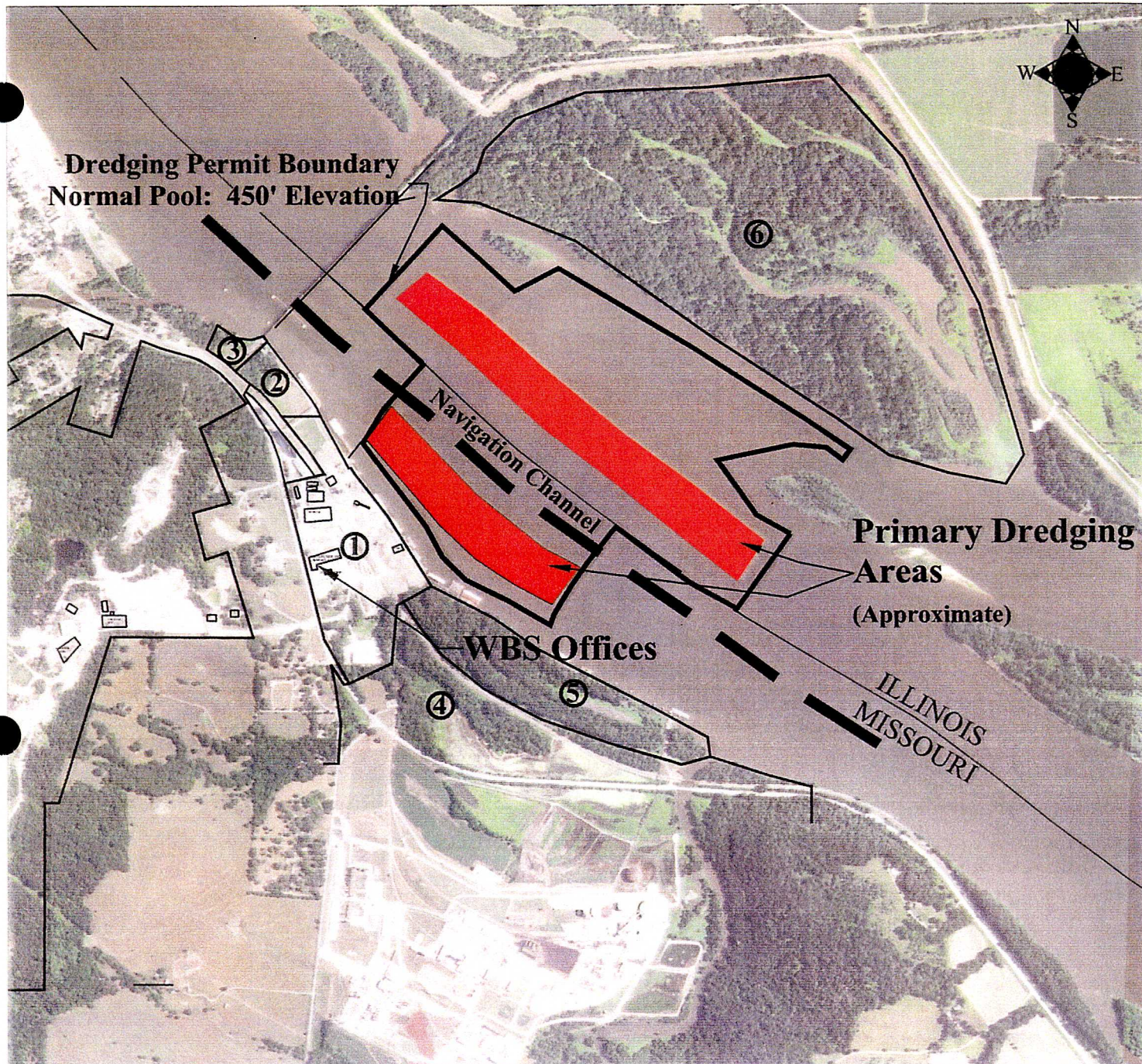
REV:

SHEET: 1 OF 2

**DREDGING OPERATIONS  
VICINITY MAP**  
MAP FOR USACOE  
PERMIT RENEWAL # P-2325

NOTES:





# **LIST OF ADJACENT PROPERTY OWNERSHIP**

- |   |                          |
|---|--------------------------|
| ① | WBS/SSS OWNERSHIP        |
| ② | BURLINGTON NORTHERN      |
| ③ | C.M.W. ACQUISITION CORP. |
| ④ | HERCULES INCORPORATED    |
| ⑤ | U.S.A. GOVERNMENT        |
| ⑥ | U.S.A. GOVERNMENT        |

## **LEGEND**

- PRIMARY NAVIGATION CHANNEL
- PRIMARY DREDGING AREA
- S.S.S. INC., CONTROLLED PROPERTY

**WAYNE B. SMITH**  
**INC**

WAYNE B. SMITH INC., HEX STONE-S.S.S., INC.

0' 750' 1500'

DRAWN: MTS

APP'D:

DATE: 7/07/07

SCALE: 1"=1500'

REV:

SHEET: 2 OF 2

**DREDGING OPERATIONS**  
**DETAIL MAP**  
MAP FOR USACOE  
PERMIT RENEWAL # P-2325

NOTES: AERIAL PHOTO FROM 2006 NAIP